



# CITY OF NEWPORT BEACH

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## COMMUNITY DEVELOPMENT DEPARTMENT

### *Planning Division*

August 10, 2012

California Coastal Commission  
South Coast Area Office  
Attn: Jeffrey Rabin  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

**Re: Coastal Development Permit Application No. 5-12-134 – Removal of beach fire rings**  
**Location: Balboa Pier area and Big Corona State Beach, Newport Beach (Orange County)**

Dear Mr. Rabin:

On June 12, 2012, the City received your Notice of Incomplete Application pertaining to the above mentioned application. We appreciate your review and provide the following information in response. For ease of reference, we have listed and summarized your comments and our responses follow each comment.

**CCC Comment: Use of the fire rings**

- Please submit all data on the number of people who use the fire rings that the city proposes to remove.
- When are the fire rings used most heavily – days, nights, weekends, holidays, seasonally?
- Who is using the fire rings – Newport Beach residents or visitors?
- Does the city have a reservation system for the fire rings? Has the city considered such a system?
- Is there a fee or charge for using the fire rings?
- The application notes that “users of the fire rings have the tendency to burn inappropriate materials such as treated paper or plastic creating toxic smoke.” What restrictions are in place to prohibit the burning of wood pallets, garbage, plastic, or other toxic material in the fire rings? How does the city enforce these restrictions, if they exist?

***City's Response***

The fire rings are used by both Newport Beach residents and visitors to the City throughout the year; however, the heaviest use is typically experienced during the summer months, from Memorial Day to Labor Day. The fire rings are available on a first come, first serve basis - the City does not have, and has not considered, a reservation system. Accordingly, there is no fee associated with use of the fire rings. With respect to restriction of materials, the City's Fire Code limits materials to natural wood or commercial logs. Items such as tree trimmings, yard waste, paper, cardboard, garbage and rubbish are not permitted. This regulation is enforced by the City's Lifeguards, Park Patrol Officers, and Code Enforcement Officers.

**CCC Comment: Health and safety**

- The city's application states that "fire rings clearly present a health and safety impact to the public..." Has the city conducted an air quality study supporting removal of the fire rings, as suggested by two members of the Parks, Beaches, and Recreation Commission? If so, please provide that information. If not, please explain why such a study was not conducted.
- Has the city documented the air quality impacts of smoke from the fire rings? Have air samples been taken at the beach or neighboring homes? If so, please provide that information. Is the city relying chiefly on the anecdotal testimony of residents at the two public meetings for evidence of health effects of the fire rings in Newport Beach?
- What is the distance to the nearest residence from each of the three fire ring locations?
- How does the city know definitively the source of the smoke in adjacent neighborhoods? Could some of the smoke come from wood burning fireplaces or fire rings associated with private residences?
- Please provide a copy of the PowerPoint presentation about the fire ring issue presented to the City Council by Recreation and Senior Services Director Laura Detweiler.

***City's Response***

The City explored the possibility of conducting an air quality study and monitoring program, but the determination was made that it was not feasible. Air quality consultants that were contacted indicated that a scientific study would not provide a definitive answer with respect to the source of the wood burning smoke as the particulate matters are the same, be it private or public. In addition, an air quality monitoring program would involve numerous variables such as wind direction, fog conditions, type of wood burned, and would vary by season or time of day. The common factor of smoke generated from a wood burning device, however, has been studied extensively and the findings are further incorporated into several rules adopted by the South Coast Air Quality Management District (SCAQMD) to reduce these emissions. The SCAQMD is the leading government agency on air pollution control in the area and is committed to progressing toward meeting clean air standards and protecting public health. SCAQMD Rule 445 (Wood Burning Devices) notes that smoke from wood burning devices (e.g., fire rings, fire pits, fireplaces) not only contains harmful gases, but also contains PM 2.5 which easily enters the body and avoids its natural defense mechanisms. Attached for your reference are several studies obtained from the SCAQMD related to harmful effects of wood burning, further supporting the City's determination to remove the fire rings (Attachment 1).

For information relating to the distances to each fire ring location from the nearest residence, please refer to Attachment 2.

For the PowerPoint presentation given to City Council, please refer to Attachment 3.

**CCC Comment: Alternatives analysis**

- Please provide all documentation related to the city's examination and study of alternatives to removal of the fire rings, including: (1) Limiting the hours or days the fire rings could be used; (2) Limiting and enforcing the type of materials burned such as a manufactured fire log that is reported to burn 60% cleaner than wood; (3) Relocated or reducing the number of fire rings. Did the city evaluate the potential effect of dispersing the fire rings? If so, what locations were

examined?; (4) Installing natural gas fire logs. Please provide information on any other alternatives that were studied or considered.

***City's Response***

Early in the process, staff identified a spectrum of alternatives to be considered by the Parks Commission. However, it was quickly evident that none of these alternatives met the objective to fully eliminate the hazards of the fire rings. The following is an analysis of the alternatives presented by Coastal Commission staff, as well as other alternatives identified by the City.

(1) Limiting the hours or days the fire rings could be used – difficult to enforce, likely to create frustration and confusion by the public.

(2) Limiting and enforcing the type of materials burned such as a manufactured fire log that is reported to burn 60% cleaner than wood – difficult to enforce, likely to create frustration and confusion by the public, policy is not to support any particular manufacture.

(3) Relocated or reducing the number of fire rings – fire rings are already located the greatest distance possible from adjacent residential dwellings. Reducing the number of fire rings would not satisfy the objective to fully eliminate fire ring hazards.

(4) Dispersing the fire rings – dispersing the fire rings would not satisfy the objective to fully eliminate the fire ring hazards and would reduce the area of open sand area which would impact the public's use and enjoyment of this area.

(4) Installing natural gas fire logs – gas lines buried beneath sand creates the risk of being exposed when sand is transferred or beach goes. Gas lines would create a hazard and would be dangerous to use if not properly monitored.

(5) Seasonal removal – This would not satisfy the objective to fully eliminate the fire ring hazards and would require heavy equipment to access the beach twice annually.

**CCC Comment: Authority to remove the fire rings**

- What authority does the city have to remove the fire rings from Big Corona State Beach? Does removal require approval from California State Parks? Has the city sought such approval?
- Please provide copies of any correspondence and/or authorization from California State Parks related to removing the fire rings.

***City's Response***

The City has an Operating Agreement with the California State Parks which is in effect until August 2029. The Operating Agreement is provided as Attachment 4. Section 5 of the Agreement indicates that the City may undertake new construction, reconstruction, alteration and maintenance of the area with prior approval from the State Parks. The City has informed State Parks staff of the desire to remove the fire rings and the pending application for a Coastal Development Permit. State Parks staff did not indicate their approval was required.

**CCC Comment: Does any state or local air quality regulation govern fire rings?**

- Does any regulation require the removal of fire rings from beaches in Orange County or restrict their use?

***City's Response***

There is no regulation that explicitly requires the removal of the fire rings or restrict their use; however, as mentioned above, the South Coast Air Quality Management District (SCAQMD) has rules in place that prohibit wood burning devices in new developments. The health and environmental impacts of wood burning smoke is a well-documented issue that has been studied by agencies outside of the City.

**CCC Comment: History of fire rings in Newport Beach**

- Recreation and Senior Services Director Detweiler told the Parks, Beaches, and Recreation Commission that fire rings were installed in the 1960s. Where were the fire rings located originally?
- Has the city removed, relocated, or consolidated the location of the fire rings since they were installed initially?
- When were the fire rings installed at the current locations in the Balboa Pier area and Big Corona State Beach?
- Have the fire rings always been concentrated in these three locations or were they previously dispersed to other beach areas? If so, where?
- What is the city's rationale for concentrating the fire rings in the three current sites?

***City's Response***

Further research of historical information, photographs, and discussions with longtime residents uncovered the fire rings were originally installed in the late 1940s and early 1950s at comparable locations to those where they are currently located. The fire rings have been maintained in their concentrated locations due to the fact that all three locations are adjacent to accessible parking facilities and are relatively distant from nearby private homes.

**CCC Comment: Notice**

- What distance from the fire rings does your [property owner] list cover? Is it 100 feet or 500 feet?
- Does the address list and envelopes contain the names and addresses of all interested parties who spoke about the fire ring issue or submitted written comments to the City Council or Parks, Beaches, and Recreation Commission? If not, please provide that information.

***City's Response***

The property owner list covers an area of at least 100 feet northerly of the beach right-of-way. Refer to Attachment 5 for a map of the area covered. The list contains the contact information for those who previously spoke or submitted comment regarding the item.

Prior to submittal, the City acknowledged the expansive notification that would be required and intends to publish notification in the local newspapers in addition to providing the addressed envelopes already received by your office.

**CCC Comment: Comparable Facilities**

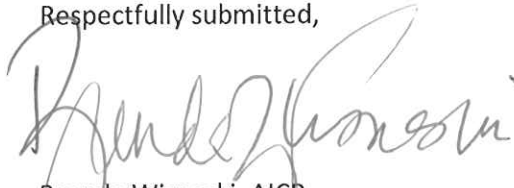
- The city says its Coastal Land Use Plan (Policy 3.2.2-3) allows the removal of recreational facilities provided there are comparable facilities and level of service. If the fire rings are removed, please describe specifically what other facilities would be comparable and provide beachgoers the same level of service of the fire rings.

***City's Response***

The existence of the fire rings precludes any flexible use of the beach areas where they are located. Furthermore, the use of fire rings is restricted to a certain timeframe outside of which the area is nearly unused. The City believes these areas are underutilized and could provide an equal level of service if utilized as any of the following: (1) volleyball courts; (2) open area with a children's playground equipment; and (3) open beach area. These areas are greatly served by the adjacent parking areas and could be used by beachgoers during all hours of the day for a variety of uses rather than a single, set use. Photographs depicting the subject areas during peak summer days, demonstrate the location of the fire rings are underutilized during periods the rest of the beach is heavily impacted by beachgoers. Also the photos indicate the heavy use of the existing volleyball courts. Removal of the fire rings would create approximately 43,691 square feet of unobstructed, open sand area which, as depicted in the photos attached, is in high demand (Attachments 6 and 7).

If you require any additional information, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Brenda Wisneski', is written over a light blue circular stamp.

Brenda Wisneski, AICP  
Deputy Community Development Director

**Attachments:**

- 1 SCAQMD Rule 445 and associated studies
- 2 Fire ring distances
- 3 City Council presentation
- 4 Big Corona State Beach Operating Agreement
- 5 Mailing label map
- 6 Area estimation
- 7 Correspondence received